

12. W. Bullock – E.3 Workplace Harassment

Unlawful Workplace Harassment

Directive E.3

Effective 7/15/2009

I. POLICY

To provide a safe and healthful working environment for all employees and to provide a means for preventing, reporting, investigating, and resolving issues relative to any kind of unlawful workplace harassment.

It is the policy of Vance County Sheriff's Office that no employee may engage in conduct that falls under the definition of unlawful harassment in the workplace. All employees are guaranteed the right to work in an environment free from unlawful harassment in the workplace and retaliation. The Sheriff's Office prohibits its personnel from harassing clients, supervisors, colleagues, community representatives, subordinates, or other persons or groups with whom they have contact as representatives of the organization. The Sheriff's Office will promptly and thoroughly investigate all complaints made by an employee and will take appropriate remedial or disciplinary action up to and including dismissal.

II. DEFINITIONS

Unlawful Workplace Harassment is unlawful or unsolicited speech or conduct based on race, sex, creed, religion, national origin, age, color, or handicapping condition as defined by N.C.G.S. 168A-3 that creates a hostile work environment or circumstances involving quid pro quo. Action, words, jokes, or comments based on an individual's sex, race, color, national origin, disability, religion, age or other status protected by state or federal law will not be tolerated.

Handicapping Condition as defined by N.C.G.S. 168A-3 is "any condition or characteristic that renders a person a handicapped person".

Sexual Harassment is defined as unsolicited and unwelcome verbal and/or physical conduct of a sexual nature or with sexual implications by a supervisor or co-worker which:

- has or may have direct employment consequences resulting from the acceptance or rejection of such conduct;
- creates an intimidating, hostile, or offensive working environment; or
- interferes with an individual's work performance.

Sexual harassment does not include personal compliments welcomed by the recipient or relationships freely entered into by employees or prospective employees.

Hostile Work Environment is one that a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment

perceives to be hostile or abusive. Hostile work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating and whether it unreasonably interferes with an employee's work performance.

Quid Pro Quo Harassment consists of unwelcome sexual advances; requests for sexual favors, or other verbal or physical conduct when:

- submission to such conduct is made either explicitly a term or condition of an individual's employment, or
- submission to or rejection of such conduct by an individual is the basis for employment decisions affecting such individual.

Retaliation is adverse treatment that occurs because of opposition to unlawful workplace harassment.

III. OPERATING PROCEDURE

Any employee or former employee who alleges unlawful workplace harassment or retaliation in violation of this policy may file a complaint through this section of this policy.

- This procedure applies to full-time or part-time employees with either a permanent, probationary, trainee or temporary appointment.
- Any employee who alleges unlawful workplace harassment must submit a written complaint to their Supervisor, Director of Human Resources, or the Sheriff within thirty (30) calendar days of the alleged harassing action.
- All of the following shall require investigation:
 - **Formal Complaints:** Formal complaints made either orally or in written form by any employee of the organization. Note that it should be considered as a legitimate complaint should an employee report harassing behavior directed not at him or herself but at others in the workplace. The complainant need not be the object of the alleged harassing activity.
 - **Informal Complaints:** Informal complaints are typically characterized by an employee who orally requests advice from a supervisor. These complaints may take the form of "I need advice" or "I don't want to file a complaint". Notwithstanding the employee's stated wishes, the supervisor/manager must consider this informal complaint as a "complaint" for purposes of Sheriff's Office policy. In this situation, it is necessary to thoroughly explain to the employee that the comments must be considered a complaint so as to ensure the eradication of any inappropriate behaviors and protection of the organization and other employees from this conduct.

- **Direct Observations:** Supervisors on all levels who directly observe potentially harassing conduct must consider these observations equivalent to any other form of "complaint". The investigation process is indicated where a supervisor or department head feels observed conduct may indeed represent prohibited behaviors.

IV. DISCIPLINARY ACTION

Disciplinary action taken against the harasser would typically range from a written warning, counseling, suspension from work, transfer to a different position, or termination of employment.



Peter White
Sheriff
Vance County